

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

BRIAN CLIFF SUNIGA,

Petitioner,

v.

BOBBY LUMPKIN, Director, Texas
Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

No. 5:22-CV-124-H

**ORDER CERTIFYING CONSTITUTIONAL QUESTION
AND PERMITTING INTERVENTION BY THE UNITED STATES**

On September 30, 2024, the petitioner filed a Notice of Constitutional Question pursuant to Federal Rule of Civil Procedure 5.1 identifying that his reply brief questions the constitutionality of deference under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 28 U.S.C. § 2254. Dkt. No. 57. Pursuant to Federal Rule of Civil Procedure 5.1(b) and 28 U.S.C. § 2403(a), the Court hereby certifies to the Attorney General of the United States that the constitutionality of AEDPA, an Act of Congress affecting the public interest, has been questioned. The United States is permitted to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of the constitutionality of deference under AEDPA. *See* 28 U.S.C. § 2403(a).

The Clerk of Court is directed to send certified copies of this Order and of the petitioner's reply brief (Dkt. No. 55) to the Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001.

So ordered on October 2, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE